

## **IC 5-22-22**

### **Chapter 22. Disposition of Surplus Personal Property by a Governmental Body**

#### **IC 5-22-22-1**

##### **Applicability of chapter**

Sec. 1. (a) This chapter applies only to personal property owned by a governmental body.

(b) This chapter does not apply to dispositions of property described in any of the following:

(1) IC 5-22-21-1(b).

(2) IC 36-1-11-5.5.

(c) This chapter does not apply to any of the following:

(1) The disposal of property under an urban homesteading program under IC 36-7-17.

(2) The lease of school buildings under IC 21-5.

(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.

(4) The disposal of property by a redevelopment commission established under IC 36-7.

(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.

(6) The disposal of a municipally owned utility under IC 8-1.5.

(7) The sale or lease of property by a unit (as defined in IC 36-1-2-23) to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

(8) The disposal of property by a hospital organized or operating under IC 16-22-1 through IC 16-22-5, IC 16-23-1, or IC 16-24-1.

(9) The sale or lease of property acquired under IC 36-7-13 for industrial development.

(10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.

(11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation district under IC 14-32.

(13) The sale of surplus or unneeded property by the board of trustees of the health and hospital corporation under IC 16-22-8.

(14) The disposal of personal property by a library board under IC 20-14-3-4(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-10.1-10.

(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:

(A) a governmental body; or

(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.

(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:

(A) listed on the National Register of Historic Places; or

(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of natural resources.

(22) The disposal of real property without consideration to:

(A) a governmental body; or

(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;

when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a governmental body under IC 5-23.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-2**

##### **Applicability of laws regarding disposition of state surplus personal property**

Sec. 2. If the property is owned by a state agency, IC 5-22-21, to the extent applicable, also applies to the disposition of the property.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-3**

##### **Sale by purchasing agent**

Sec. 3. A purchasing agency may sell property that:

(1) has been left in the custody of an officer or employee of a governmental body and has remained unclaimed for more than one (1) year; or

(2) belongs to the governmental body but is no longer needed or is unfit for the purpose for which it was intended.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-4**

##### **Use of auctioneer**

Sec. 4. (a) If the property to be sold is:

- (1) one (1) item, with an estimated value of one thousand dollars (\$1,000) or more; or
- (2) more than one (1) item, with an estimated total value of five thousand dollars (\$5,000) or more;

the purchasing agency may engage an auctioneer licensed under IC 25-6.1 to advertise the sale and conduct a public auction.

(b) The advertising by an auctioneer under this section must include a detailed description of the property to be sold.

(c) The purchasing agency shall pay an auctioneer who conducts a sale under this section from the gross proceeds of the sale received before other expenses and liens are paid.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-4.5**

##### **Internet sales; costs**

Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

- (1) The site is approved by the intelenet commission.
- (2) The site is linked to the electronic gateway administered by the intelenet commission.

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

*As added by P.L.31-2002, SEC.5.*

#### **IC 5-22-22-5**

##### **Public sale or sealed bids; advertisements**

Sec. 5. (a) If:

- (1) an auctioneer is not engaged under section 4 of this chapter; or
- (2) the surplus property is not sold through an Internet auction site under section 4.5 of this chapter;

the purchasing agency shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of sale.

(b) Advertisement of the sale shall be made in accordance with IC 5-3-1.

(c) All sales shall be made to the highest responsible bidder.

*As added by P.L.49-1997, SEC.1. Amended by P.L.31-2002, SEC.6.*

#### **IC 5-22-22-6**

##### **Public or private sale or transfer without advertising**

Sec. 6. If the property to be sold is:

- (1) one (1) item, with an estimated value of less than one thousand dollars (\$1,000); or
- (2) more than one (1) item, with an estimated total value of less

than five thousand dollars (\$5,000);  
the purchasing agency may sell the property at a public or private sale or transfer the property, without advertising.  
*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-7**

##### **Sale or transfer of recyclable property**

Sec. 7. If the property to be sold is material that:

- (1) may be recycled; and
  - (2) has been collected in conjunction with a recycling program;
- the purchasing agency may, without advertising, sell the property at a public or private sale or transfer the property.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-8**

##### **Worthless property**

Sec. 8. (a) If the property is worthless, it may be demolished or junked.

(b) For purposes of this section and IC 5-22-21-6(4)(B), property may be considered worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property.

*As added by P.L.49-1997, SEC.1. Amended by P.L.7-1998, SEC.11.*

#### **IC 5-22-22-9**

##### **Disposal of law enforcement vehicles**

Sec. 9. (a) If a purchasing agency disposes of a law enforcement vehicle that is a model year of 1994 or after and is painted in a color scheme of more than one (1) color by transferring the vehicle to:

(1) a person who will operate the vehicle on a public highway in Indiana, the person must repaint the vehicle in:

- (A) a monochrome color scheme; or
- (B) a color scheme that does not duplicate the color scheme of an Indiana law enforcement vehicle;

before the vehicle is operated on a public highway in Indiana;

(2) a person who will sell or otherwise transfer the vehicle to another person who will operate the vehicle on a public highway in Indiana, the person must repaint the vehicle in:

- (A) a monochrome color scheme; or
- (B) a color scheme that does not duplicate the color scheme of an Indiana law enforcement vehicle;

before the vehicle is sold or otherwise transferred to the other person to be operated on a public highway in Indiana;

(3) a person who will sell or otherwise transfer the vehicle to another person who will not operate the vehicle on a public highway in Indiana, the person is not required to repaint the vehicle before the vehicle is sold or otherwise transferred to the other person; or

(4) another governmental body, the governmental body is not required to repaint the vehicle before the vehicle is operated on

a public highway in Indiana.

(b) Before a purchasing agency disposes of a law enforcement vehicle that is painted in a color scheme of more than one (1) color, the purchasing agency must provide a copy of this subsection to the prospective purchaser of the vehicle.

(c) A person who violates this section commits a Class C infraction.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-10**

##### **Exchange of property between purchasing agency and governmental body**

Sec. 10. (a) A purchasing agency may exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity.

(b) A transfer under this section may be made for any amount of property or cash as agreed upon by the governmental bodies.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-22-11**

##### **Notice of sale**

Sec. 11. (a) Notice of a sale under this chapter must be given by publication of the time, place, and terms of the sale, as provided in IC 5-3-1 in the county where the property is located. The publication shall be made at least fifteen (15) days before the date of the sale.

(b) Notice under this section is required in addition to notice:

- (1) given by an auctioneer under section 4 of this chapter; or
- (2) provided by an Internet auction site under section 4.5 of this chapter.

*As added by P.L.49-1997, SEC.1. Amended by P.L.31-2002, SEC.7.*

#### **IC 5-22-22-12**

##### **Transfer to volunteer fire department**

Sec. 12. (a) This section applies to the following surplus property:

- (1) Fire trucks.
- (2) Emergency service vehicles.
- (3) Firefighting or emergency services equipment.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) Notwithstanding section 4, 4.5, or 5 of this chapter, a governmental body may transfer title of surplus property to a volunteer fire department for the volunteer fire department's use in providing fire protection or emergency services.

(d) A volunteer fire department located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property that is refused by the volunteer fire departments located in the same county as the governmental body may be transferred to any volunteer fire department in Indiana.

(e) A governmental body may transfer title of surplus property to a volunteer fire department under this section by:

- (1) sale;
- (2) gift; or
- (3) another arrangement acceptable to the governmental body and the volunteer fire department.

*As added by P.L.83-1998, SEC.1. Amended by P.L.1-1999, SEC.8; P.L.31-2002, SEC.8.*